

REMARKS

After entry of the amendments, claims 1, 3-7, 9, 11-13, 20-23, 46-49 and 50-57 are pending. Claim 8 and claim 10 have been canceled without prejudice to future prosecution. Claims 1, 20, 21, 48 and 49 have been amended. Claims 1, 48 and 49 have been amended to state that the antisense compound comprises a wing-gap-wing motif and is about 70% complementary with the target nucleic acid. Support for this amendment is found throughout the specification and in the original claims. For example, pages 42-43 and Example 4 on pages 59-61 discuss chimeric compounds. The amendments to claims 20 and 21 have been made to recite the modifications in accordance with amended claim 1. Claims 50-57 have been added and are supported throughout the specification and claims as filed. For example at page 17, line 22 stating that the compounds can have at least 95% complementarity. All the amendments being fully supported by the specification and claims as filed have, thus, added no new matter. Applicants' respectfully request that the amendments are entered.

Application

The Office Action asserts that the application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. §§ 1.821-1.825. Applicants have amended the application to include a substitute Sequence Listing which contains the nucleotide and/or amino acid sequences disclosed in the application. New pages 1-112 are provided to comply with the Sequence Rules set forth in 37 C.F.R. §§ 1.821-1.825. Enclosed is a copy of: a Statement to Support Filing and Submission of DNA/Amino Acid Sequences in Accordance with 37 C.F.R. §§ 1.821-1.825, and a computer readable form (CRF). No new matter has been added.

Specification

Claims Rejections Under 35 USC § 102(b) or (e)

Wang *et al.* U.S. Patent No. 5,861,244

Claims 1, 4-6, 10-13 and 48-49 have been rejected as allegedly being anticipated by Wang *et al.* Claims 10 has been canceled. Claims 1, 48 and 49 have been amended. Claims 4-6 and 11-13 depend from claim 1, and so, incorporate all of the elements thereof. Wang teaches a third strand nucleic acid used for forming a triple helix in a diagnostic kit. However, Wang is not teaching all of the elements of the claims. Wang fails to teach the chimeric oligonucleotide of claims, for example. Thus, Wang does not anticipate the claims. Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Francisco *et al.* Accession No.: L78573.1

Claims 1, 3-6, 10-13, and 48-49 have been rejected as allegedly being anticipated by Francisco *et al.* Claim 10 has been canceled. Claims 1, 48 and 49 have been amended. Claims 3-6 and 11-13 depend from claim 1 thereby incorporating all of its elements. Francisco teaches a 21 nucleobase oligonucleotide defined as being a primer used in genetic mapping of canine. Francisco is not teaching all of the elements of the claims. Francisco is failing to teach the chimeric oligonucleotide of the claims, for example. Thus, Francisco does not anticipate the claims. Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Baker *et al.* U.S. Patent No.: 6,228,642

Claims 1, 3-8, 10-13, 20-23 and 46-49 have been rejected as allegedly being anticipated by Baker *et al.* Claim 8 and claim 10 have been canceled. Claims 1, 20, 21, 48 and 49 have been amended. Claims 3-7, 11-13 and 20-23 incorporate all of the elements of claim 1, from which they depend. Baker teaches a 20 nucleobase oligonucleotide that is fully deoxynucleotide and a 20 nucleobase oligonucleotide with 2'MOE wings. Baker; however, is not teaching all of the elements of the claims with these oligos. Baker is failing to teach a chimeric oligonucleotide and/or an oligonucleotide sequence that is at least 70% complementary to the target nucleic acid. Baker is further failing to teach SEQ ID NO: 19, and thus cannot anticipate claims 46 and 47. Thus, Baker does not anticipate the claims. Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Dobie *et al.* US Patent Application 2003-232438

Claims 1, 3-6, 8, 10-13, 20-23 and 46-49 have been rejected as allegedly being anticipated by Dobie *et al.* Claim 8 and claim 10 have been canceled. Claims 1, 20, 21, 48

and 49 have been amended. Claims 3-6, 11-13 and 20-23 depend from claim 1, and so, include all of its elements. Dobie teaches a 20 nucleobase oligonucleotide with 2'MOE wings. Dobie; however, is not teaching all of the elements of the claims. Dobie is failing to teach an oligonucleotide sequence that is at least 70% complementary to the target nucleic acid. Dobie is further failing to teach SEQ ID NO: 19, and thus cannot anticipate claims 46 and 47. Thus, Dobie does not anticipate the claims. Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

Claims Rejections Under 35 USC § 103 .

Baker *et al.* in view of Hammond *et al.* and Elbashir *et al.*

Claims 1, 3-13, 20-23 and 46-49 have been rejected as allegedly being obvious over Baker *et al.* in view of Hammond *et al.* and Elbashir *et al.* Claims 8 and 10 have been canceled. Claims 1, 20-21 and 48-49 have been amended. Claims 3-7, 9, 11-13 and 20-23 depend from claim 1 and therefore incorporate all of the elements thereof. Baker is relied on as above. Hammond and Elbashir are relied on for generally teaching dsRNA and siRNA, respectively. Baker fails to teach all of the elements of the claims, including those as stated above. Hammond, Elbashir and the combination thereof do not make up for this deficiency. As such, the references and combinations thereof fail to teach or suggest all of the claim elements. Thus, the references and combinations thereof do not render the claims obvious. Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

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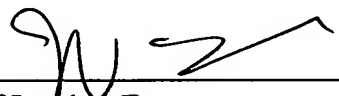
PATENT

CONCLUSIONS

Applicants believe that the foregoing comprises a full and complete response to the Office Action of Record. If the Examiner believes a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 760-603-2528

Respectfully submitted,

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